BEFORE THE HON'BLE STATE ADMINISTRATIVE TRIBUNAL, BENCH AT RAIPUR (CG)

O.A. NO: /2002

Smt. Sakuntala Soman,
Widow of :
Late Shri M.K. Soman,
R/o : Qtr.No.1/65
Irrigation Colony,
Raipur. ..... **Applicant**

Vs.

1. State of Chhattisgarh,
   Through:
   Water Resources Department,
   D.K. Bhavan,
   Raipur.

2. Superintendent Engineer (Admn.)
   O/o: Engineer, in chief
   Water Resources Department,
   Raipur.

3. Executive Engineer, C E and M)
   Water Resources Department,
   Raipur (CG) .... **Respondents**

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WPNo.645.30/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14.6.2006

Mr. N.K. Vyas, Advocate for the petitioner.

Mrs. Chitra Shrivastava, P.L. for the State.

Heard.

Learned counsel for the petitioner submitted that he does not want to press I.A. No.896/06 filed for joining the Union of India and State of M.P. as respondents. Accordingly, the application is dismissed as not pressed.

By this petition, the petitioner has questioned the legality, propriety and correctness of the order dated 20.12.2001 (Annexure A-1) passed by respondent No.3- Executive Engineer, Water Resources Department, Raipur and also order dated 21.08.2001 (Annexure A-2) passed by respondent No.2-Superintending Engineer (Admn.), Water Resources Department, Raipur whereby the application of the petitioner for grant of compassionate appointment has been rejected on the ground that there is no provision for compassionate appointment to the heirs of work charged employees.

The case of the petitioner is that her husband was working as Work-charged employee on the post of Progress-Man and he expired on 9.1.2000, therefore, she applied for compassionate appointment on 19.1.2000. The Government of erstwhile State of M.P. framed the scheme dated 10.6.1994 for compassionate appointment and thereafter it was revised on 1.5.2000. The petitioner's husband namely Late M.K. Soman was appointed as Helper in the year 1979 in the office of Superintending Engineer, Irrigation Department, Raipur. The pay scale of the petitioner's husband was revised

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

52

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

toRs.2750-70-3800-75-4400/- by the Government of M.P. In the month of December, 1999 the husband of the petitioner was drawing basic pay of Rs.3380/- + D.A Rs.1082/-, total salary of Rs.4060/-. He expired on 9.1.2000 and death certificate is Annexure A-5. After the death of her husband the petitioner applied for compassionate appointment vide application dated 19.1.2000, as at that time his son was only 11 years old and she was the only member in the family who is fulfilling all the qualifications to get the compassionate appointment.

In the return filed by the respondents it has been mentioned that the Chief Engineer, Water Resources Department wrote a letter on 4.8.2000 to the Collector, Raipur that there is no vacancy of the work charged employee and therefore, returned the application of the petitioner. It was further informed vide letter dated 25.8.2000 that as per policy dated 1.5.2000 there is no scope for compassionate appointment of the heirs of work charged employees.

Having heard learned counsel for the parties, I have perused the scheme issued by the General Administrative Department of the State of M.P. dated 1.3.1994 regarding compassionate appointment to the heirs of the government employees who died in harness. Clause-11 of the scheme specifically provides that on the death of work-charged/contingency paid employees, one of the family members of such employee shall be eligible for compassionate appointment, but their appointment shall be made under the conditions of Workcharged/Contingency Fund Services.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

53

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

When the petitioner's husband died on 9.1.2000 this policy was in force and when the petitioner applied for compassionate appointment on 19.1.2000 at that time also this policy was in force and when the application of the petitioner for compassionate was under process, the General Administration Department of the erstwhile Govt. of M.P. revised the policy regarding compassionate appointment vide order dated 1.5.2000 and in which no provision was made for compassionate appointment of the family members of the workcharged/contingency paid employee, who died in harness. Therefore, under the above orders the respondents have refused to consider the application of the petitioner for compassionate appointment. But the impugned orders of the respondents are prima-facie perverse and illegal, for the reasons that when the husband of petitioner died on 9.1.2000 and when the petitioner made application for compassionate appointment on 19.1.2000, the policy of the year 1994 in which there was a provision for compassionate appointment of the family members of the work charged/contingency paid employees, the respondents were required to consider the application of the petitioner in accordance with the government policy issued in the year 1994, which was in existence at the time of death of petitioner's husband and when the petitioner filed the application. It is true that as per policy of 1994 the petitioner will be entitled for compassionate appointment only for the work charged/ contingency fund service post, if same is available. The second requirement is that appointment shall be made on the

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

similar
~~same~~ post and the third requirement is that the incumbent must be eligible for the compassionate appointment.

In the result, the order dated 20.12.2001 (Annexure A-1) passed by respondent No.3- Executive Engineer, Water Resources Department, Raipur and order dated 21.08.2001 (Annexure A-2) passed by respondent No.2-Superintending Engineer (Admn.), Water Resources Department, Raipur are quashed and they are directed to consider the application of the petitioner for compassionate appointment in accordance with the government policy dated 1.3.1994

With the aforesaid, the petition stands disposed of.

Certified copy as per rules.

Sd/-
L.C. Bhadoo
Judge